

Appl. No.: 09/803,545
Amtd. dated January 20, 2006
Reply to Office action of September 20, 2005

REMARKS

Claim Status

Claims 179-214 were pending. Claim 211 has been canceled. Claims 179, 186, 195-202, 204-205, 212-214 have been amended. Claims 215-220 have been added. Claims 179-210 and 212-220 are therefore pending.

Rejections under 35 USC § 112

Claims 186 and 190 stand rejected under 35 USC § 112, second paragraph, as being indefinite. With respect to claim 186, the examiner objects to the phrase "may comprise". Applicants have accordingly amended the claim to replace this phrase with "comprises one or more". With respect to claim 190, the examiner objects to the lack of clarity with respect to whether "individually purchasable" features can be bought with or without a plan. Applicants have amended claim 190 to clarify that the individually purchasable features are augmentations to a base offering of the plan, and hence are tied to a plan for the purposes of claim 190.

Rejections under 35 USC § 103

Claims 179-214 stand rejected under 35 USC § 103(a) as being unpatentable over U.S. Patent Application Pub. 2001/0044743 ("McKinley") in view of archived web pages from Letstalk.com. Insofar as these rejections apply to the claims as amended, applicants respectfully traverse these rejections because the cited art fails to teach or suggest all the claim limitations. *See* MPEP § 2142.

For example, independent claim 179 recites in part "maintaining a database comprising product or service offerings in a plurality of offering categories, wherein ... each of the markets associated with each said product or service offering is definable in said database independently and with differing levels of geographic detail." Applicants can find no express teachings or suggestion thereof in the cited references of varying geographic granularity for independently definable markets associated with product or service offerings in a database. McKinley appears to employ telephone area codes to determine available services (*see* Figs. 6A, 7A, and 9), suggesting that perhaps the markets for all available services must be defined on an area code level within its database. Letstalk.com appears to employ zip codes or states as inputs to determine available service (*see* p. 3), but is silent on how available service determination is

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performed and whether independently defined markets associated with each product or service offering are defined with differing levels of geographic detail within the Letstalk.com database. For at least these reasons, independent claim 179 and its dependent claims 180-197, 218-220 are patentable over the cited art.

Independent claim 198 recites in part “maintaining a database comprising product or service plans for one or more offering categories, wherein ... each of the markets associated with each said product or service plan is definable in said database independently and with differing levels of geographic detail.” As before, applicants can find no express teaching or suggestion in the cited references of varying geographic granularity for independently definable markets associated with each product or service offering in a database. For at least this reason, independent claim 198 and its dependent claims 199-210, 212-217 are patentable over the cited art.

Conclusion

In view of the foregoing amendment and remarks, Applicants believe that all of the Examiner’s objections have been overcome. Accordingly, Applicants respectfully request reconsideration of the subject application and early and favorable allowance of the amended claims.

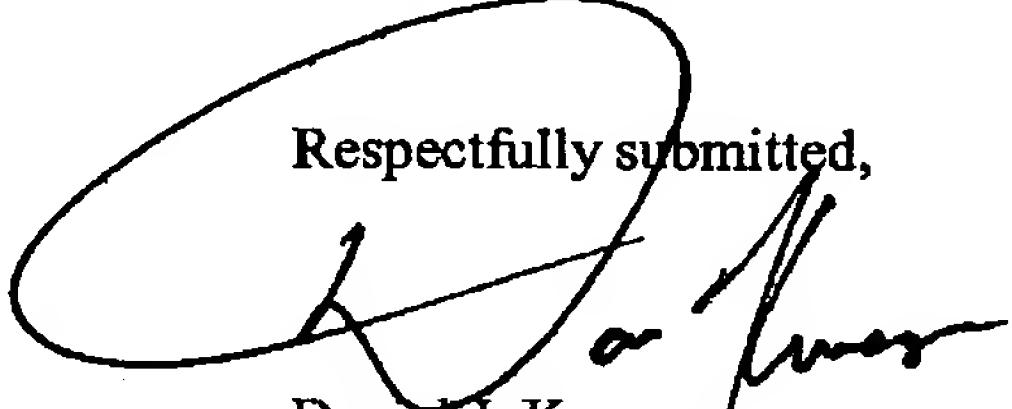
In the course of the foregoing discussions, applicants may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the prior art which have yet to be raised, but which may be raised in the future.

If any fees are inadvertently omitted or if any additional fees are required or have been overpaid, please appropriately charge or credit those fees to Conley Rose, P.C. Deposit Account Number 03-2769/2008-00100/HDJK.

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Applicants respectfully request the courtesy of an interview with the Examiner to discuss any of the foregoing amendments and remarks. In this regard, Applicants invite the Examiner to contact the undersigned or John W. Goldschmidt, Jr. at (215) 575-7181.

Respectfully submitted,


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